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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,828	03/22/2004	Scott W. Petrick	GE.0005	1480
24214	7590	09/22/2006	EXAMINER	
JAMES D IVEY 3025 TOTTERDELL STREET OAKLAND, CA 94611-1742			ARTMAN, THOMAS R	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,828

Applicant(s)

PETRICK ET AL.

Examiner

Thomas R. Artman

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14, 17-22, 25-31, 34 and 57 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 15, 16, 23, 24, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 35-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on July 17th, 2006.

Claim Objections

Claims 1-34 and 57 are objected to because of the following informalities: throughout the claims, the term "operating state" lacks an appropriate preceding article, such as "an" or "the," and thus causes grammatical awkwardness. Appropriate correction is required.

Claim 8 (line 5), claim 16 (line 4), claim 24 (line 5), claim 29 (line 3) and claim 33 (line 4) are further objected to because the term "and" must be inserted prior to the term "diagnostic data" for grammatical clarity.

Claim 20 at line 4 is further objected to because the term "and" prior to the term "an operating state" should be deleted for grammatical clarity.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 8, 11, 25, 27 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 2: it is unclear which operating state is being referred to in the phrase "that operating state." Further regarding claim 2, the operating state cannot be all three types simultaneously as outlined in line 3. The states should be listed in the alternative in order to make physical sense.

Claim 3 (lines 3, 5 and 7); claim 11 (lines 5 and 7); and claim 25 (lines 17, 19 and 21): it is unclear whether or not the list of items are all required by the claim or are to be listed in the alternative. The term "and" or "or" must be inserted prior to the term "battery usage" in each line in order to clarify the claimed subject matter.

Claim 8 at line 3 and claim 33 at line 2: it is unclear whether or not the list of items are all required by the claim or are to be listed in the alternative. Furthermore, it is unclear how an operating state can be all four at the same time. The term "and" or "or" must be inserted prior to the term "battery usage" in order to clarify the claimed subject matter.

Claim 27 at line 2: it is unclear how the operating state can be all three at the same time.
The limitation should be rephrased in order to make physical sense.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 and 25 are directed to electromagnetic waves, which do not fall within any of the four statutory categories of invention. It has been upheld that an electromagnetic wave does not fall with a statutory category of invention (see MPEP 2106 and Interim Guidelines for Subject Matter Eligibility, Annex IV(c)).

Therefore, claims 17 and 25 are drawn to non-statutory subject matter.

Claims 18-24 are rejected under this section by virtue of their dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-14, 17-22, 25-31, 34 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujii (US 7,079,189 B2).

Regarding claims 1, 9, 17 and 26, Tsujii discloses an apparatus and method of regulating the operation of a digital radiography detector (Abstract and Figs.4 and 7), including:

- a) detecting a first triggering event 601,
- b) acquiring environmental condition data from the digital radiography detector (col.10 line 65 through col.11, line 3),
- c) automatically changing the operating state of the digital radiography detector based upon the first triggering event (col.9, lines 18-19; phase 1 to phase 2),
- d) determining a variable time interval triggering event from the changed operating state of the detector and acquired environmental condition data, and
- e) detecting a second triggering event 602, and
- f) automatically changing the operating state of the digital radiography detector at the occurrence of either the second triggering event (col.9, lines 19-21) or the determined variable time interval triggering event (col.9, line 57 through col.10, line 9; phase 2 to phase 3).

Art Unit: 2882

With respect to claims 2, 10, 18, and 27, Tsujii further discloses that the operating states are one of an off state, a standby state and an on state (col.9, lines 18-21; phases 1-3).

With respect to claims 3, 11, 19, and 28, Tsujii further discloses that the on state causes an increase in internal temperature, voltage consumption and power consumption relative to an off state and a standby state (col.9, line 18-21; phase 3), that the standby state causes an increase in internal temperature, voltage consumption and power consumption relative to an off state (col.9, line 18-21; phase 2), and that a change from the on state to a standby state causes a decrease in internal temperature, voltage consumption and power consumption relative to an off state and a standby state (col.9, lines 18-21; col.10, lines 35-37; phase 4).

With respect to claims 4, 12, 20 and 29, Tsujii further discloses that the environmental condition data is diagnostic data (col.10, line 65 through col.11, line 3).

With respect to claims 5, 13, 21 and 30, Tsujii further discloses that the variable time interval triggering event substantially begins when the first triggering event is detected (col.9, lines 57-60).

With respect to claims 6, 14, 22 and 31, Tsujii further discloses that the end of the variable time interval triggering event is based upon operating state of the digital radiography detector and the environmental condition data (col.10, lines 1-5 and line 65 through col.11, line 3).

Art Unit: 2882

With respect to claim 34, Tsujii further discloses that the receiver, device for changing and the determiner are part of a computer (Fig.4).

Regarding claim 25, Tsujii discloses the claimed method as stated in the rejections of the above claims 1-3.

Regarding claim 57, Tsujii discloses the claimed method as stated in the rejections of the above claims 1-3.

Allowable Subject Matter

Claims 7, 8, 15, 16, 23, 24, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither teaches nor reasonably suggests the additional limitation where the determined time interval triggering event is substantially zero when an internal temperature exceeds a preselected level and a battery capacity is below a preselected level, as required by each of the above claims.

Conclusion

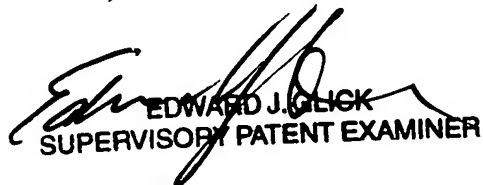
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sayed (US 5,773,832) teaches a standby feature of a digital detector in order to keep the operating temperature low without the typical, extensive cooling techniques known in the art for such detectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Artman whose telephone number is (571) 272-2485. The examiner can normally be reached on 9am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas R. Artman
Patent Examiner



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER